

## Nadler and 78 Members of Congress Begin Push for Cleaner Ports

Wednesday, 28 April 2010

WASHINGTON, D.C. - Today, Congressman Jerrold Nadler (D-NY), the senior Northeastern Democrat on the House Transportation and Infrastructure Committee, spearheaded efforts in the House to reduce truck-borne pollution in and around our nation's shipping ports. Joined by 78 Members of Congress, Nadler sent a letter to Transportation and Infrastructure Committee Chair James Oberstar and Ranking Member John Mica expressing strong support for federal legislation to allow major container ports to implement stronger environmental standards on trucks. Nadler plans to introduce such legislation - which has been endorsed by over 100 environmental, labor and business organizations across the country - in the coming weeks.

"With some 87 million Americans living near container ports, it is time for the federal government to develop better means of mitigating pollution and emissions around the ports," said Nadler. "While the Port of Los Angeles has taken the lead and instituted a model Clean Trucks program, this is a national issue and deserves a national shift in environmental policy. I look forward to working with my colleagues and stakeholders within all facets of the port industry to introduce legislation to allow ports to tighten their own environmental standards."

"We applaud Rep. Nadler for his leadership to update federal transportation law so it is consistent with the Clean Air Act," said Dave Foster, Executive Director of the BlueGreen Alliance. "The Congressman rightly highlights that local government, such as ports, need to be part of a layered approach to reduce air pollution in our cities and across the nation. Our coalition looks forward to working with Congress to advance legislation, which will reduce pollution, make our ports healthier communities and create green jobs."

Orlando Marciano, a truck driver at the Port of New York and New Jersey, said: "After I completed a tour of active duty, I was ready to work hard and apply the values and skills I learned in the Army to earn a middle-class paycheck. But the system is so rigged I now breathe toxic fumes day in day out and earn less as a commercial big rig driver than I did when I worked at McDonald's. Our jobs are like sweatshops on wheels - we need more leaders like Congressman Nadler standing up for cleaner air and for port truck drivers like me who keep our economy running."

The following is the text of the letter ([viewable as a pdf here](#));

April 27, 2010

The Honorable James L. Oberstar

Chairman

Committee on Transportation & Infrastructure

2167 Rayburn House Office Building

Washington, DC 20515

The Honorable John L. Mica

Ranking Member

Committee on Transportation & Infrastructure

2163 Rayburn House Office Building

Washington, DC 201515

Dear Chairman Oberstar and Ranking Member Mica:

We write to express support for federal legislation that would allow our nation's major container ports to implement environmental standards above current federal requirements. With an estimated 87 million Americans living in port adjacent communities which fail to meet federal air quality standards, the pollution generated by ports and port trucking is an issue that warrants our attention. We commend your leadership in developing a new national transportation policy framework and would like to add to it this important harbor trucking issue.

Fortunately, ports supported by their local governments have begun taking the initiative to address a highly polluting drayage system. We know you share our congratulations to the Port of Los Angeles for the success of its Clean Truck Program. In just one year, the program has reportedly replaced nearly 6,000 dirty diesel trucks with clean diesel and alternative energy vehicles; eliminating 30 tons of diesel particulate matter which will reduce diesel particulate pollution by an estimated 70 percent. This is equivalent to removing 200,000 automobiles from the road. We are unaware of another truck emissions reductions program which has had such remarkable success in such a short time period.

Unfortunately, the program has been challenged in federal court. The current motor carrier statute enacted as part of the Federal Aviation Administration Authorization Act of 1994 (FAAAA) allows state and local entities to regulate trucking companies only for "safety" related programs, and an injunction has been issued to temporarily block the City's ability to directly enforce through concession agreements a ban on motor carriers from bringing dirty trucks into the Port. The court injunction also prevents the Port from enforcing economic requirements that will ensure expensive new clean trucks will be properly maintained by ending the practice of improperly designating employees as "independent contractors."

This requirement was determined to be the best way to ensure that the cost of compliance with environmental regulations was borne by trucking companies instead of drivers. The consequence has been devastating on workers who are seeing their incomes fall by nearly half because trucking companies continue to misclassify their drivers as "independent contractors" and require them to pay for the operation and maintenance of new vehicles. This in turn threatens the efficacy of the regulations and the tremendous environmental progress made by the Clean Truck Program.

This is not only a California issue, but a national one. Ports around the country - like the port terminals in New York and New Jersey, Oakland, Seattle and Miami - are grappling with similar obstacles presented by port trucking, but are unable to implement a comprehensive program given the legal uncertainty and injunction against the program in Los Angeles.

Based on these recent events, we believe that federal law needs to be updated to ensure that ports can enact and enforce Clean Truck programs. We stand ready to work with you to allow ports to establish sustainable green growth programs that work for business, local communities and workers.

Sincerely,

Rep. Jerrold Nadler

Rep. Jose Serrano

Rep. Howard Berman

Rep. Eliot Engel

Rep. Henry Waxman

Rep. Steven Rothman

Rep. George Miller

Rep. Nick Rahall

Rep. Brad Sherman

Rep. Donald Payne

Rep. Gary Ackerman

Rep. Lynn Woolsey

Rep. Robert Andrews

Rep. Anthony Weiner

Rep. Adam Schiff

Rep. Steve Israel

Rep. John Garamendi

Rep. Nydia Velazquez

Rep. Bill Pascrell, Jr.

Rep. Jane Harman

Rep. Tim Holden

Rep. Judy Chu

Rep. Bob Filner

Rep. Ed Towns

Rep. Joe Baca

Rep. Barbara Lee

Rep. Alcee Hastings

Rep. Carolyn McCarthy

Rep. Maxine Waters

Rep. Gregory Meeks

Rep. Nita Lowey

Rep. Lucille Roybal-Allard

Rep. Carolyn Maloney

Rep. Joseph Crowley

Rep. Laura Richardson

Rep. Michael Honda

Rep. Russ Carnahan

Rep. Grace Napolitano

Rep. Alan Grayson

Rep. Martin Heinrich

Rep. Michael Capuano

Rep. Henry Mitchell

Rep. Mark Schauer

Rep. Raul Grijalva

Rep. Daniel Lipinski

Rep. Mazie Hirono

Rep. Gwen Moore

Rep. John Hall

Rep. Linda Sanchez

Rep. John Adler

Rep. Rush Holt

Rep. Lois Capps

Rep. Jim McDermott

Rep. Kendrick Meek

Rep. Loretta Sanchez

Rep. Keith Ellison

Rep. Sam Farr

Rep. Albio Sires

Rep. James McGovern

Rep. Brian Higgins

Rep. Phil Hare

Rep. Christopher Carney

Rep. Jay Inslee

Rep. Jerry McNerney

Rep. Gerald Connolly

Rep. Fortney Pete Stark

Rep. Frank Pallone, Jr.

Rep. Anna Eshoo

Rep. Timothy Bishop

Rep. Zoe Lofgren

Rep. Michael Arcuri

Rep. Debbie Wasserman Schultz

Rep. Yvette Clarke

Rep. Mike Doyle

Rep. Charles Rangel

Rep. Timothy Walz

Rep. Marcy Kaptur

Rep. Susan Davis

Rep. Jackie Speier